

NOV 05 2010

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

CIVIL NO. 3:10cv529-FDW-DCK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
APPROXIMATELY \$188,934.50 IN)
UNITED STATES FUNDS,)
)
Defendant.)


CONSENT ORDER FOR STAY

This matter is before the Court on a request by the government and Esel Jay Oh and The U.S. Trade, Inc., dba US Trading, Inc. (collectively, "claimants"), through counsel, that this civil forfeiture case be stayed pursuant to 18 U.S.C. §981(g), pending resolution of a related criminal investigation. The parties have agreed and represent to the Court, and the Court finds:

1. The government filed the complaint herein on October 21, 2010.
2. On October 22, 2010, the Clerk issued a warrant of arrest in rem.
3. The government has advised claimants' counsel, Eben Rawls, that a related criminal investigation is pending. The government and claimants agree that a stay of this case at this point will avoid both interference with the government's investigation and possible prejudice to claimant Oh's Fifth Amendment rights.
4. The government and claimants have agreed that a stay should be without prejudice to claimants' rights to file a claim, answer, and/or any other pleading or responsive motion within the time permitted by the Rules of Civil Procedure, with the applicable time period to begin running from the date the stay is lifted. Counsel for claimants has filed or will file a notice of appearance herein, and both the government and claimants shall have the right to file a motion to lift the stay at any time, and the non-moving party shall have the right to oppose such a motion.

IT IS THEREFORE ORDERED that this case is stayed until further order of the Court.

Signed this the 4th day of November, 2010.


UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

UNITED STATES OF AMERICA


WILLIAM A. BRAFFORD
ASSISTANT UNITED STATES ATTORNEY


EBEN RAWLS
ATTORNEY FOR CLAIMANTS

Oct. 28, 2010
DATE

26 October 2010
DATE